

**Regular Meeting of the Legal Committee
Held in the Conference Room at City Hall
March 24, 2016**

Notice of this meeting was given to the public in compliance with Sections 10-15-1 through 10-15-4 NMSA 1978 and Resolution 15-56.

ROLL CALL

The meeting convened at 4:48 p.m. with Councilor Perry presiding and Councilors Best and Foster present; Councilor Oropesa was absent.

Staff present: William Morris, Scott Stark and William Zarr.

Guests present: Mayor Dennis Kintigh, Councilor Sanchez and Bethany Freudenthal.

APPROVAL OF AGENDA and APPROVAL OF MINUTES

Councilor Best moved to approve the March 24, 2016 Legal Committee meeting agenda and the minutes of the February 25, 2016 Legal Committee meeting. Councilor Foster was the second. A voice vote was unanimous and the motion passed with Councilor Oropesa being absent. City Attorney, William Zarr requested that items be taken out-of-order on the agenda: Regular Items (1) RIAC Leases (2) Proposed Ordinance 16-08, Non-Action Item (1) Discussion of an "Education Neglect" ordinance. There were no objections to the change of order.

REGULAR ITEMS

To recommend to full City Council the following agreements pertaining to existing or new RIAC leases or other RIAC licenses or agreements be placed on Consent Agenda for approval:

- (1) To authorize Old Dog Brotherhood, Roswell Chapter, to renew its current lease agreement on Building No. 734.
- (2) To authorize Cliff Waide, an individual, to renew his current lease agreement on "T" Hangar Building No. 120, Space 4.

Councilor Best motioned to recommend to full City Council the following RIAC agreements be placed on the Consent Agenda for approval (1) Old Dog Brotherhood, Roswell Chapter; and (2) Cliff Wade. Councilor Foster was the second. Mr. Stark discussed each of the agreements and stated that the Old Dog Brotherhood lease is a renewal. The new rent amount is \$215.00 per month for one year term (\$2,580.00 annually). The Cliff Wade Thurston lease is also a renewal. The new rent amount is \$179.00 per month for one year (\$2,148.00 annually). A voice vote was unanimous and the motion passed with Councilor Oropesa being absent.

To consider Proposed Ordinance 16-08, which would amend section 2 of article 9 of the Zoning Ordinance to allow day care as a special use in R-3 districts, and amend section 7 of article 26 by adding new sign standards for certain permitted uses in residential districts, and to recommend to full Council to authorize a public hearing on said Proposed Ordinance 16-08. Councilor Best motioned to consider Proposed Ordinance 16-08 and recommend a public hearing. Councilor

Foster was the second. Mr. Morris outlined the proposed changes to the committee that would allow day care as a special use in R-3 districts as well as new sign standards for certain permitted uses in residential districts and the reasons for the changes. A voice vote was unanimous and the motion passed with Councilor Oropesa being absent.

NON-ACTION ITEMS

Discussion of an "Educational Neglect" ordinance. This discussion was requested by Mayor Kintigh, who presented the Legal Committee with a draft ordinance. Mayor Kintigh advocates the adoption of such an ordinance as part of keeping the community safe. He said that the state statute on the subject is complex and involves many entities and is cumbersome. The draft ordinance is not a truancy ordinance, because it deals with the parents of children less than 13 years of age who do not see to it that their children attend school, which is a form of neglect. Mayor Kintigh explained that the definitions were taken from state law; that business records could be admitted into evidence to show absence requiring only a custodian of records to testify in court; that the penalty was a petty misdemeanor and a non-arrestable offense. He stated that 10 unexcused absences are a separate count or violation, and that in his opinion it is consistent with NMSA 1978 §3-17-1, and that Chaves County adopted a similar ordinance. He intends to solicit independent legal reviews, and thought that enforcement could be done with Roswell Police Department School Resource Officer's. Mayor Kintigh stated that the draft ordinance is an approach to the problem.

OTHER BUSINESS (NON-ACTION)

None

ADJOURN

Meeting adjourned at 5:31 p.m.